

## **9 FAM 42.62 Personal appearance and interview of applicant.**

*(TL:VISA-196; 06-30-1999)*

### **(a) Personal Appearance of Applicant before Consular Officer**

*(TL:VISA-3; 08-30-1987)*

Every alien applying for an immigrant visa, including an alien whose application is executed by another person pursuant to section §42.63(a)(3), shall be required to appear personally before a consular officer for the execution of the application or, if in Taiwan, before a designated officer of the American Institute in Taiwan, except that the personal appearance of any child under the age of 14 may be waived at the officer's discretion.

### **(b) Interview by Consular Officer**

*(TL:VISA-10; 04-05-1988)*

Every alien executing an immigrant visa application must be interviewed by a consular officer who shall determine on the basis of the applicant's representations and the visa application and other relevant documentation—

- (1) The proper immigrant classification, if any, of the visa applicant; and
- (2) The applicant's eligibility to receive a visa. The officer has the authority to require that the alien answer any question deemed material to these determinations.

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## **9 FAM 42.62 Related Statutory Provisions**

### **INA 222(e), in part**

*(TL:VISA-3; 08-30-1987)*

(e) Except as may be otherwise prescribed by regulations, each application required by this section shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer.

## **Sec. 140 of Pub. L. 103-236, in part**

(TL:VISA-196; 06-30-1999)

### **(c) PROCESSING OF VISAS FOR ADMISSION TO THE UNITED STATES—**

*(1)(A) Beginning 24 months after the date of the enactment of this Act, whenever a United States consular officer issues a visa for admission to the United States, that official shall certify, in writing, that a check of the Automated Visa Lookout System, or any other system or list which maintains information about the excludability of aliens under the Immigration and Nationality Act, has been made and that there is no basis under such system for the exclusion of such alien.*

*(B) If, at the time an alien applies for an immigrant or nonimmigrant visa, the alien's name is included in the Department of State's visa lookout system and the consular officer to whom the application is made fails to follow the procedures in processing the application required by the inclusion of the alien's name in such system, the consular officer's failure shall be made a matter of record and shall be considered as a serious negative factor in the officer's annual performance evaluation.*

*(2) If an alien to whom a visa was issued as a result of a failure described in paragraph (1)(B) is admitted to the United States and there is thereafter probable cause to believe that the alien was a participant in a terrorist act causing serious loss of life or property in the United States, the Secretary of State shall convene an Accountability Review Board under the authority of title III of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.*